

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

MARTHA HART, Individually and on)
Behalf of Minors OJE EDWARD HART)
and ATHENA CHRISTINE HART,)
and)
STU and HELEN HART,)
Plaintiffs,)
v.)
WORLD WRESTLING FEDERATION)
ENTERTAINMENT, INC., et al.,)
Defendants and)
Third-Party Plaintiffs,)
v.)
AMSPEC, INC., LEWMAR LIMITED, and)
LEWMAR, INC., formerly known as)
LEWMAR MARINE, INC.,)
Third-Party Defendants.)

Case No. 99CV-210774
Honorable Douglas E. Long, Jr.

**LEWMAR'S OBJECTIONS TO AND MOTION TO STRIKE CERTAIN OF WWE'S
DESIGNATIONS FROM THE DEPOSITION OF ELLIS EDWARDS**

COME NOW third party defendants Lewmar, and object to and move to strike certain portions of WWE's designations from the deposition of Ellis Edwards. Lewmar states as follows in support of this motion:¹

Page 42, line 20 through p.43, line 12: This testimony is offered to show Mr. Edwards first used a Lewmar trigger latch shackle in 1993. However, it is clear from his testimony immediately

¹ A copy of all cited portions of Mr. Edwards' deposition is attached hereto as Exhibit A.

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following that designated by the WWE that he is not sure whether or not that was a Lewmar shackle as opposed to some other manufacturer. (See, Exhibit A, Edwards' depo, page 43, lines 18-21)

p.46, line 11 through p.47, line 5

p.49, lines 7-16;

p.55, line 17 through p. 56, line 7;

p.59, line 15 through p.60, line 14; and

p.120, line 17 through p.121, line 17: This testimony is offered to show the Lewmar trigger

latch shackle was used for the flying on Bay Watch Nights. However, Mr. Edwards admits on page 58 of his deposition that he does not know whether a Lewmar shackle was used or some other shackle. (See, Exhibit A, Edwards' depo., page 58, lines 10-16)

p.71, lines 16-23: This testimony includes Mr. Edwards' opinion that he is afraid of a 3-ring release. There is no foundation for that testimony from Mr. Edwards.

p.180, lines 2-4: This testimony is offered to prove Talbert was a qualified or good stuntman and knew how to rig. However, the offered testimony is a hearsay statement made by Mr. Brazel.

p.199, line 9 through p.200, line 4

p.219, line 13 through p.220, line 8: This testimony goes to show what Barry Brazel would do or not do with respect to use of a shackle. It is objectionable in that it is speculation, hearsay, and lacks foundation.

p.219, lines 6-12: This testimony is offered to establish Lewmar or similar shackles are still being used in the stunt industry. However, Mr. Edwards testified he has not personally seen them in use, and therefore his testimony is based on speculation, is not based on first-hand knowledge, and lacks foundation. Further, the Court's order excluding evidence of post-Hart descents should also mean post-accident use of shackles in the stunt industry are excluded as well.

p.243, line 17 through p. 244, line 20

p.245, lines 2-9; and

p.245, line 20 through p.247, line 8: This testimony addresses what others have said to Mr.

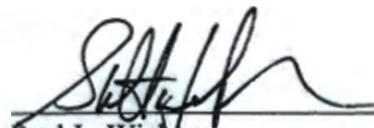
Edwards, and is hearsay.

p.248, lines 9-24: In this portion of Mr. Edwards' testimony, he discussed what is on a video tape that he did not see, and apparently has never seen. There is no foundation for this testimony and it is based on speculation.

WHEREFORE, Lewmar requests the Court strike those portions of WWE's designations from the deposition of Ellis Edwards identified above, and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

**FOLAND, WICKENS, EISFELDER,
ROPER & HOFER, P.C.**



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CERTIFICATE OF SERVICE

I certify that a copy of the above and foregoing was served this 2 day of September 2003, by
~~faxing~~ the same to:
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VINCENT MCMAHON AND LINDA MCMAHON

Honorable Carl D. Gum, Jr.
1316 West Johns Boulevard
Raymore, MO 64083

Honorable Douglas E. Long, Jr.
Presiding Judge
25th Judicial Circuit
301 Historic Route 66 East
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ATTORNEY FOR THIRD-PARTY DEFENDANTS
LEWMAR, LTD. AND LEWMAR, INC.

Exhibit A

1 IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

2 MARTHA HART, Individually and on)
3 Behalf of Minors OJE EDWARD HART.)
4 and ATEHA CHRISTINE HART, and)
5 STU HART and HELEN HART,)

5 Plaintiffs,)

6 vs.) No. 99CV-210774

7 WORLD WRESTLING FEDERATION)
8 ENTERTAINMENT, INC., et al.,)9 Defendants and)
10 Third-Party Plaintiffs,)

11 vs.)

12 AMSPEC, INC., LEWMAR LIMITED)
13 and LEWMAR, INC., formerly known)
14 as LEWMAR MARINE, INC.,)

15 Third-Party Defendants.)

16

17 THE VIDEOTAPED DEPOSITION OF ELLIS EDWARDS,
18 on behalf of the Defendants Lewmar, between the hours
19 of eight o'clock in the forenoon and six o'clock in
20 the afternoon of Friday, May 10, 2002, at 35 14th
21 Street, in the City of Atlanta, in the County of
22 Fulton, and State of Georgia, before me,

23

24 SAUNDRA A. TIPPINS, CCR
25 of
JOHN M. BOWEN & ASSOCIATES,
Shorthand Reporters,26 a Notary Public, in a certain cause now pending in
27 the Circuit Court of Jackson County, Missouri,
28 wherein MARTHA HART, et al., are the Plaintiffs
29 and WORLD WRESTLING FEDERATION, ET AL., are the
30 Defendants and Third-Party Plaintiffs, and AMPEC,
31 INC., et al., are Third-Party Defendants.

32

33

JOHN M. BOWEN & ASSOCIATES, COURT REPORTERS

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<p>1 A Right.</p> <p>2 MR. O'DEAR: I object again to the leading. I object to the form. He is not an adverse witness.</p> <p>3 JUDGE GUM: The question is leading.</p> <p>4 The objection will be sustained.</p> <p>5 Q (By Mr. Harris) And when you first purchased it, the Lewmar trigger latch shackle, what was your understanding as to its originally designed intended use on a sailboat?</p> <p>6 A Well, it was to release any type of sailing mechanism that was under pressure quickly.</p> <p>7 Q Under a load?</p> <p>8 A Yeah, under a load.</p> <p>9 Q So did you understand that the Lewmar trigger latch shackle when you bought it was a piece of hardware that could be released or unlatched under load?</p> <p>10 A Yes, yes.</p> <p>11 Q When was the first time that you bought a Lewmar trigger latch shackle?</p> <p>12 A Used one or bought one?</p> <p>13 Q Let's talk about first use. Did that occur first?</p> <p>14 A Oh, yeah. We were using these on Bay Watch.</p>	Page 42	<p>1 We were using them on Thunder in Paradise.</p> <p>2 These go back -- the first time I started seeing them was out in Hollywood probably in 1993.</p> <p>3 Q So you first saw them out in Hollywood 1991 on what project or show?</p> <p>4 A We had some -- I believe the first time I saw it was on Thunder in Paradise.</p> <p>5 Q And how was the Lewmar trigger latch shackle being utilized as you saw it?</p> <p>6 A We had a guy hanging out of a tree, out of a palm tree.</p> <p>7 Q How high was he suspended?</p> <p>8 A 25 feet in the air.</p> <p>9 Q Was he being held up by one Lewmar trigger latch shackle?</p> <p>10 A I don't remember.</p> <p>11 Q But you are certain it was a Lewmar trigger latch shackle as opposed to some other manufacturer's shackle?</p> <p>12 A No. That is the first time I ever saw a shackle being used that had quick releases like that. (Witness indicating).</p> <p>13 Q Do you know who had acquired the Lewmar trigger latch shackle?</p>	Page 43
<p>14 Q Do you know where it came from?</p> <p>15 A No.</p> <p>16 Q And specifically what retail outlet it was purchased from?</p> <p>17 A No.</p> <p>18 Q When is the first time you ever bought a Lewmar trigger latch shackle of that type?</p> <p>19 A 1990 -- probably 1996, '97.</p> <p>20 Q Why did you buy a Lewmar trigger latch shackle?</p> <p>21 A Barry had recommended them.</p> <p>22 Q Barry Brazel?</p> <p>23 A Yeah.</p> <p>24 Q What type of activity were you working on where you thought you might need one?</p> <p>25 A It could have been '97. We were using a descender, and they were using them on a descender.</p> <p>19 Q What is a descender?</p> <p>20 A It's the type of device used to drop people off of a building and let them get within six feet of the ground before it stops you. It's a spool, and obviously when the cable goes around the big part of the spool it drops you rapidly.</p> <p>25 Then as it gets smaller it slows you down so</p>	Page 44	<p>1 you can jump off of a building, and it drops you 250 feet and before you get 10 feet off the ground it stops you.</p> <p>2 Q What were you contemplating the use of a Lewmar trigger latch shackle for in that type of descent stunt?</p> <p>3 A Actually when we practiced it we put weights on the system, and this was just to be able to let it go.</p> <p>4 Q All right. So you --</p> <p>5 A Didn't even have to have them. We just -- they were just out there.</p> <p>6 Q So Mr. Brazel told you about a shackle he had seen, and did he provide you with the shackle or did you buy it?</p> <p>7 A I think the first ones he had. I'm not sure.</p> <p>8 Then I just went and -- I was living in L.A. at the time so --</p> <p>9 Q Where did you buy your first Lewmar trigger latch shackle?</p> <p>10 A The first one from AMSPEC.</p> <p>11 Q Had you purchased hardware from AMSPEC prior to that?</p> <p>12 A Oh, yes.</p> <p>13 Q But not a Lewmar trigger latch shackle?</p>	Page 45

	Page 46	
1	A No.	
2	Q And that would have been in 1996 or '97?	
3	A Yeah. Probably '97, '98. Probably '97, '98.	
4	Q In your experience with AMSPEC did you have 5 some type of catalog that you could look at in 6 terms of the things that they offered?	
7	A No.	
8	Q Did you actually go to AMSPEC to buy this 9 shackle?	
10	A Yes.	
11	Q Why did you pick out the Lewmar trigger latch 12 shackle from AMSPEC?	
13	A From using them on other movies. You know, I 14 had seen them used often. All that flying on 15 Bay Watch Nights was all done with one of 16 these.	
17	MR. O'DEAR: On Bay Watch Nights?	
18	THE WITNESS: Yes.	
19	MR. O'DEAR: Is that different from 20 Bay Watch?	
21	THE WITNESS: Yeah. That was a 22 spinoff. We did it two years and then they 23 dropped it. He was a detective on that one. 24 But a guy named Steve Hart was stunt 25 coordinator, and I was helping him rig on the	
	Page 47	
1	flying on it.	
2	Q (By Mr. Harris) On the Bay Watch Nights 3 program?	
4	A When we were doing that type of stunt on the 5 show.	
6	Q So in 1997/1998 you went into AMSPEC. You 7 purchased a Lewmar trigger latch shackle?	
8	A Yeah, a bunch of them.	
9	Q Why were you purchasing it?	
10	A Because I was going to start descending Sting 11 from the ceiling with one.	
12	Q And was that your first professional use of a 13 Lewmar trigger latch shackle in which you were 14 going to develop the rigging for a descent 15 stunt?	
16	A Yes. Barry came up with a great idea. Instead 17 of hauling this big descender in the ceiling, 18 let's just one night fool them and drop him on 19 a rope and see if anybody says anything. You 20 know, like you would be repelling someone, let 21 the bottom, the person on the bottom called a 22 belayer, so all you are doing is it in reverse. 23 You are belaying him from the top. 24 And then it has a tie-off, so that even if 25 you let go of it, it can only go so fast. I	
	Page 48	
1	can belay by myself. I can put it in a garbage 2 can and jump out of a building and it will only 3 go so fast because it goes through a figure 4 eight.	
5	And then the people loved it and it saved 6 them 10,000 a show because that's what it cost 7 to haul that thing up in the ceiling and be 8 practiced for two days before you get there.	
9	Q So with a descender it costs \$10,000 more than 10 the belay method Mr. Brazel came up with?	
11	A Yeah, between five and ten by how much you are 12 aware, but you have to bring it in a truck and 13 it takes a day and-a-half to set it up until 14 it's flawless.	
15	Q And you have to practice for two days with the 16 descender to get it right?	
17	A Yeah. I'm very funky about safety. I don't 18 trust the descender so I just make sure the 19 thing is flawless, and then I do it before he 20 does it so I guarantee it's frigging flawless.	
21	Q Before I ask you some questions about the Sting 22 stunt that is the first time you utilized a 23 trigger latch shackle in a professional rigging 24 job, I want to go back and finish up talking 25 about your experience on flying stunts.	
	Page 49	
1	As I recall, your experience with flying 2 stunts would have started approximately 1991. 3 Is that right?	
4	A Uh-huh.	
5	Q Is that a yes?	
6	A Yes.	
7	Q And then the first time you actually saw a 8 Lewmar trigger latch shackle would have been in 9 1993 on the Thunder in Paradise show?	
10	A Correct.	
11	Q And you also saw the Lewmar trigger latch 12 shackle of that type, Exhibit 117, utilized on 13 the Bay Watch Nights program?	
14	A Correct.	
15	Q What years was that?	
16	A 1995.	
17	Q Did you mention two years that it was the Bay 18 Watch Nights program went?	
19	A Yeah, but only - we didn't fly somebody every 20 episode so I saw it in 1995.	
21	Q Starting in 1991, when was the first time you 22 would have rigged a flying stunt in which you 23 lowered somebody from a height down to the 24 ground?	
25	A 1997.	

Page 54	Page 55
1 Q Why do you do that?	1 load or breaking load?
2 A Well, one is — one stays in place all the time. You can't get through the threads of the material. They loop it and triple stitch it.	2 A It could. It could. The difference is the steel one is made for overall use of repetition. When you are out on a job site and someone is clicking into it and not paying attention he doesn't care. It can set. It can rust. It can stay in the rain. It can stay underwater in a lake, take it out, and nothing is wrong with it. You might not be able to unscrew it but its ability to have strength has not changed.
3 So you have one to where you can just hook into it and one so right when you get off you can unhook it.	3 Aluminum, you don't freeze them. Don't let them get too hot. Obviously being aluminum if you drop them — I don't ever use anything if my guy drops it on the ground. I throw it in the garbage.
4 Q Does metal on metal allow for a cleaner release?	4
5 A It doesn't make any difference.	5
6 Q All right.	6
7 A No difference at all. Well, there is a difference. When you use metal rigging obviously, it can handle more strength.	7
8 Aluminum is lighter. Mountain climbers have to carry so much equipment to climb to the top of a mountain they like everything aluminum.	8
9 If you took an aluminum piece you could also get a metal one and this same little bitty device that weighs two ounces does the same thing as what weighs two pounds. It could do the same thing. It depends on how it is forged and put together.	9
10 Q Would those two devices, one aluminum, one steel, have the same rating for a break working	10
Page 56	Page 57
1 A No. On Bay Watch Nights it was a guy flew out of one section of the building and had to pick a girl up that was hanging over — she was hanging, and what he did is he came and grabbed her and swung her back and when they pulled the release they could keep it all in one motion and never had to stop film.	1 You have to judge the difference where he can grab her. He grabs her and from the momentum of going up, just like a clock it swings you up, back, up onto another beam. To get her off that line to you pull the release, which would let her come back to you. She is just hanging there on a release. You can't see it.
2 Q And what year was that?	2
3 A 1995.	3
4 Q Was that before the movie with Steve Hunt?	4
5 A Steve Hart. That was the TV show with Steve Hart, yes. We did a movie after that where we did the repelling in the snowing scene. Yes, correct. That is before it.	5
6 Q Let's go back to the Bay Watch Nights program where it involved two performers, two performers being lifted or moved by rigging.	6
7 A Yes, correct.	7
8 Q The first person has to drop down and then pick somebody up?	8
9 A Just jump out of the rafters, and then you pivot, so you pull him to the longest point of your line, and then just a pendulum swings down, swings up. Then there is a girl hanging here.	9
10 Q	10
11 A	11
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1 Q Was he on one lock?
2 A Yes.
3 Q And he is wearing some type of safety harness
4 to which the line is connected to the harness?
5 A Correct.
6 Q And then he swings over to the point where the
7 girl is situated, and she is held up on how
8 many lines?
9 A Just one.
10 Q And what is the fastening device that was
11 utilized on this Bay Watch Nights program?
12 A Just a shackle.
13 Q Was it a Lewmar trigger latch shackle?
14 A I couldn't tell you.
15 Q It could have been somebody else's shackle?
16 A Yeah.
17 Q Up until that point in 1995, what types of
18 manufacturers make a quick release type shackle
19 that you had seen?
20 A I couldn't tell you.
21 Q There were others besides Lewmar?
22 A Oh, tons of them.
23 Q And you had seen others used in the industry up
24 to that point?
25 A Correct. They sell them at Home Depot.

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1 pulled one direction. You can reverse it and
2 pull it down to release it or the load is on
3 the bottom and you pull up. It won't release
4 any other direction.
5 Q If you pull the ring in any other direction,
6 it's not going to release?
7 A No.
8 Q In your experience?
9 A It won't. Just the laws of what it is, it will
10 not, you know - up and down and when it goes
11 in there, there is a groove and it latches down
12 on this. So if you pull it sideways you are
13 pulling metal against metal. It will never
14 release.
15 Q You have utilized in this demonstration of how
16 to use a lanyard or piece of string of some
17 type, utilized the Lewmar trigger latch
18 shackle. Up until 1995 you had seen various
19 other different types of shackles of similar
20 design?
21 A Right. I have had both since I was young. I
22 had some property on the lake. So in marinas
23 you see it all the time.
24 Q You have seen other marine shackles that had a
25 ring on them to which you could attach a

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1 Q All right. And do they sell Lewmar trigger
2 latch shackles at Home Depots?
3 A They sell a shackle at some locations of Home
4 Depots.
5 Q Do they sell a Lewmar trigger latch shackle at
6 Home Depot?
7 A I would not know.
8 Q And these other types of shackles that you were
9 familiar with up to 1995, did they have a quick
10 release type of function to them?
11 A Yes, a ball pin release.
12 Q And is that similar to the release you have on
13 the trigger latch shackle?
14 A Yes.
15 Q And in this situation this Bay Watch Nights
16 program, how was the girl performer released
17 from the shackle that was holding her up?
18 A By you put a lanyard on here.
19 Q What is a lanyard?
20 A A lanyard is a device so that you can
21 physically grab and release this. On any type
22 of device there is a safety backup, which is
23 this manually - or a lanyard, which when you
24 pull it - it's hard to pull it. If you pull
25 it straight up it releases. It can only be

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1 lanyard?
2 A Yes.
3 Q And up to 1995 you had seen various types of
4 those marine shackles utilized for quick
5 release?
6 A Correct.
7 Q How many different times would you say you had
8 been familiar with up to this Bay Watch Nights
9 program?
10 A I have seen them for commercial use, these
11 gigantic steel ones, and they pull a device on
12 it, and they lift air conditioners on
13 buildings. Under helicopters whenever you are
14 lifting with hueys, those are the dual prop
15 ones like you saw in the military, when you
16 pick up a device like an air conditioner by law
17 FAA requires a quick release just like that but
18 a very elaborate one. It's electric. And -
19 Q Let's focus in on the flying performance type
20 shackles involving some type of quick release
21 function. Up until 1995 about how many of
22 those had you seen?
23 A Numerous.
24 Q More than ten different types?
25 A Well, I mean, I wouldn't know how many

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1 release being utilized in any type of human
2 flying stunt?
3 A Not knowing it.
4 Q I'm sorry?
5 A Not knowing it. Ringling Brothers does it all
6 the time. That is how they do their stuff, not
7 knowing that's what they were using, but I had
8 seen it because Barry worked for the circus, so
9 when he tells me all this stuff I'm like I have
10 been seeing that since I was a kid. I never
11 realized that's how they did it.
12 Q Barry Brazel?
13 A Barry Brazel.
14 Q The person that you worked with on the Sting
15 stunt?
16 A Yes. He was my head rigger.
17 Q And you and Mr. Brazel would have been the
18 folks that trained Bobby Talbert on doing the
19 Sting stunt?
20 A No. Barry Brazel.
21 Q Barry Brazel.
22 A Well, and I don't know that formally. I
23 just -- he had worked with Barry but he had
24 been a stunt man and he had worked with -- he
25 had worked with Barry and he had been there

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1 A You said flying.
2 Q Yes.
3 A That is the key word.
4 Q You had used or you have never used a three
5 ring release in a flying stunt with a human?
6 A No.
7 Q How have you utilized a three ring release with
8 humans?
9 A I made the ring fall apart with everyone in it
10 at WCW.
11 MR. O'DEAR: Could you speak up?
12 THE WITNESS: I made the ring fall
13 apart.
14 Q (By Mr. Harris) The wrestling ring?
15 A Yeah. I mean, a man physically made the whole
16 ring fall and everybody fell. It was all done
17 by me with a three ring -- custom-made three
18 ring releases.
19 Q How many three ring releases were involved in
20 that type of set up?
21 A Four. What holds the ring up is the ropes on
22 the top. There is cables underneath. Then
23 when you pull the bottom, it makes the top
24 taut. There is just thousands of pounds on it.
25 I had AMSPEC make three ring releases, and

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1 when we have done it. He's gone out there. I
2 just -- a lot of times when I am doing a stunt
3 for them I got three stunts going on. He might
4 have been rigging the pull out, not even the
5 drop down.
6 The drop down required two people, only
7 two people, same people every time. If one
8 wasn't there we would call the stunt off.
9 Q I will come back to that in just a minute. Do
10 you know as of 1995, did you know of any
11 non-circus type flying stunts that were done
12 with a three ring release?
13 A No.
14 Q You hadn't had any experience with it?
15 A No.
16 Q Have you ever used a three ring release in a
17 human descent type stunt?
18 A No.
19 Q Why not?
20 A I have used them in other manners with humans
21 but not in a descent.
22 Q Why not in a descent?
23 A I'm afraid of them.
24 Q And what type of flying stunts have you
25 utilized a three ring release with a human?

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1 right before it happens I crawl under and I
2 pulled all four of them.
3 Now it's still up. It's a little weak.
4 Then when the Giant grabbed it, he is so strong
5 you he pulled one post out. When you pull a
6 post out, you pull it all down. It made him
7 look like he was above human strength. That
8 was how it was done.
9 Q When was that stunt done?
10 A I couldn't tell you.
11 Q I mean just a year.
12 A '98, '99.
13 Q Would that stunt have been done before Owen
14 Hart's stunt in May of 1999?
15 A Yes.
16 Q Have you ever heard of a pelican release?
17 A No.
18 Q Have you ever heard of a squib release?
19 A Squib release?
20 Q Yes.
21 A Yeah.
22 Q What is a squib release?
23 A A squib is a tiny charge on a body and that's
24 how that one -- that other release. In other
25 words a charge makes it release.

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1 Q What did they tell you?
2 A I don't remember.
3 Q Did they tell you that they got them from some
4 marine outlet?
5 A No. They don't really disclose that stuff or
6 we'll all go and buy from the source.
7 Q Had you ever heard any Lewmar trigger latch
8 shackles from a company called Action
9 Specialists?
10 A No. I know who they are.
11 Q Other than the one time with AMSPEC, have you
12 bought a Lewmar trigger latch shackle from any
13 other source other than a marine retailer?
14 A No.
15 Q After you bought the two Lewmar trigger latch
16 shackles from AMSPEC in the summer of '97, you
17 went out to the marina to do your research, did
18 you obtain any information from any source that
19 the Lewmar trigger latch shackles were designed
20 or manufactured for use in lifting or lowering
21 humans?
22 A No.
23 Q Had you ever seen up to that time a Lewmar
24 catalog?
25 A No.

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1 you add a lanyard and pull on the lanyard to
2 release the latch?
3 A Yes. So you are saying - I am watching him do
4 that box and it distracted me. Are you saying
5 that did I know that you had to use an external
6 piece to make it release? Yes. Or anything
7 attached to it? Yes.
8 Q I guess I am asking you, up until the time you
9 bought the two from AMSPEC -
10 A Right.
11 Q -- in the summer of '97, had you seen any
12 literature, catalog, written information which
13 told you in order to release the latch on a
14 Lewmar trigger latch shackle you add a line and
15 pull on it?
16 A No.
17 Q Where did you first come up with the idea of
18 adding a line to the ring on the Lewmar trigger
19 latch shackle to pull in order to release the
20 latch?
21 A We used them on Bay Watch Nights.
22 Q And what led you to that type of use; that is,
23 adding a line?
24 A Because they all had these little rings. There
25 is no way you can pull it. Unless you can get

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1 Q Had you ever seen any Lewmar literature at all
2 describing the use of its Lewmar trigger latch
3 shackle?
4 A A rate chart.
5 Q And was that actually a chart by Lewmar?
6 A Uh-huh.
7 Q Is that a yes?
8 A Yes, yes.
9 Q And what information was on that chart?
10 A It just tells you the amount of strength of
11 load it can handle and its breaking capacity.
12 Q Where was that chart located? Where did you
13 see it?
14 A Behind the desk of the marina at the cash
15 register. They have to have it for everything
16 they sell in there.
17 Q Did you obtain any information from any source
18 that the original design or manufactured use in
19 terms of opening up a Lewmar trigger latch
20 shackle was supposed to be by adding a line or
21 lanyard and pulling on it?
22 A Reiterate that.
23 Q Yeah. Had you ever seen any written
24 information which told you that in order to
25 properly utilize a Lewmar trigger latch shackle

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1 it, it is never going to release. You have to
2 pull something on make it -- or stick something
3 in there. You can stick your finger in there,
4 but if someone was pulling up, remember, this
5 stays over here and you go over there. You
6 don't want to get stuck and break a finger.
7 So you just want to grab something and
8 have it, you know -- it's however you rigged
9 it. You could have it attached to you, but I
10 wouldn't want all that stuff bouncing on me.
11 For wrestling I didn't want all this stuff on
12 his head.
13 You gotta remember he is getting slammed
14 on his mat. If it gets behind his neck, it
15 could hurt him. We had it so once it is
16 released, it is just setting up there floating
17 in the air.
18 Q When you first saw a quick release device on
19 the Bay Watch Nights program, did it already
20 have a line on the ring on it?
21 A Yes.
22 Q That wasn't something that you came up with on
23 your own?
24 A Oh, no.
25 Q And up to that point had anybody ever told you

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1 Q Then would it have been the point where you
2 were working with the descender or the point
3 where you are working with the belay system on
4 the drop down stunt that Bobby Talbert came on
5 board?
6 A The belay.
7 Q Was there any other prior assistants before
8 Bobby Talbert?
9 A With Bobby?
10 Q You worked on the belay system with Barry
11 Brazel. Correct?
12 A Right.
13 Q Barry brought in Bobby Talbert to assist him.
14 Correct?
15 A No, just to help him with the - in other words
16 when we are doing one stunt that morning
17 rigging it and Barry and I are doing that, I
18 got somebody - there's gotta be shivs all the
19 way through the ceiling out the door, 300-plus
20 foot of rigging and shivving everything.
21 Q For the Sting belay stunt?
22 A No, to pull him out.
23 Q Right.
24 A When I pull him out, I gotta have a lot of
25 people. I have to have four people on the

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1 A Through Barry Brazel.
2 Q And Barry Brazel recommended Mr. Talbert?
3 A Yeah. He said he was a good stuntman down
4 there and he knew how to rig.
5 Q Did you then meet Mr. Talbert before you hired
6 him?
7 A No, just brought him up there. I mean, I don't
8 question what you do as long as I can sit there
9 and look at everything you have done. If you
10 didn't do it right I know you don't know how to
11 do it and we are not going to practice it, and
12 I will fire you and send you home on a plane.
13 Q So the first work that Bobby Talbert would be
14 doing with you with the WCW was the pull-out
15 work?
16 A Correct.
17 Q Was he actually one of the four that helped
18 pull the performer out?
19 A No. He only takes one to do it. You do it
20 with a forklift.
21 Q What was Bobby Talbert's first job then for
22 you?
23 A Ribbing the shivs up in the ceiling.
24 Q And did you -
25 A To my knowledge that's the first. It had to

1 clock.
2 Q That's the point when Bobby Talbert arrived?
3 A He was up there setting spansets and hooking
4 the shackles to the pulleys, and then you run
5 them through and he slides over to another beam
6 and someone - you pull everything up with you.
7 Q Now, you had a verbal agreement with WCW to do
8 your work there. Correct?
9 A Yeah.
10 Q You then hired Barry Brazel to help you.
11 Correct?
12 A Correct.
13 Q Did you hire Bobby Talbert to help you?
14 A Yes. At that time yeah. I eventually fixed it
15 where everybody was incorporated and they could
16 get their own checks. The only reason I paid
17 everybody is because Turner is slow on paying
18 you.
19 Q Now, had Bobby Talbert been working there on
20 the pull-out for a period of time before you
21 actually met him?
22 A No. I came up with pulling them out. I
23 designed it and he just helped me rig it.
24 Q How did you first become aware of Bobby Talbert
25 to hire him?

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1 have been then.
2 Q And that was about 1998?
3 A Yeah. It had to have been '98.
4 Q Because you had been doing the Sting stunt for
5 a while?
6 A Yeah. We did that before we ever decided to
7 start pulling him back out.
8 Q In fact you had been doing the repelling type
9 stunt and you had been doing the descender type
10 stunt?
11 A Correct.
12 Q Before Bobby ever came on the scene?
13 A Ever came on board. When he came on board he
14 only worked three times but he was excellent.
15 We just didn't do a lot of pull out. I only
16 need help when - those rings are gigantic, you
17 know.
18 Q So Bobby Talbert came on board. You had him
19 doing the spansets and the rigging up on the
20 ceiling of a venue. Correct?
21 A Correct.
22 Q Did you watch him do that work?
23 A Well, not physically, but I go up there and
24 check each with before I run a rope through it,
yeah. Before we do it, I mean, we even came to

Page 198	Page 199
1 A If Barry went and did this stunt --	1 version with Sting, you would utilize two
2 Q With Owen Hart?	2 Lewmar shackles?
3 A Anybody. He would only use one. Nobody else	3 A Correct
4 would use two.	4 Q Even if Barry was working on it you would use
5 Q Except for you?	5 two?
6 A Yes. I'm just a little nutty.	6 A Uh-huh.
7 Q When Barry worked for you with the Sting stunt	7 Q Is that a yes?
8 and the belay stunt --	8 A Yes. I mean it is my show.
9 A We started off with one. I am the only one	9 Q So are you saying that if Barry was on his own
10 that -- the first vest we used doesn't have any	10 doing a similar stunt with somebody else and
11 of this attached to it. As a matter of fact	11 you weren't involved he would have just used
12 the first one, the night of the show I went and	12 one trigger latch shackle?
13 used cable and cabled it to this. He is like,	13 A Correct. That is all you would need to do it
14 man, what are you doing? I said, I'm paranoid.	14 safe.
15 But you don't need all that.	15 Q That is what Mr. Brazel would choose?
16 Q And you mentioned that when you switched from	16 A Anybody would. No one would want to have that
17 the descender to the belay method, you went	17 many things conflicting with each other.
18 from one shackle to two trigger latch shackles	18 Q Other than you?
19 that you had used. Correct?	19 A Yeah. Sometimes too much is too much, but if
20 A Correct, right.	20 it makes me feel good, it make the talent feel
21 Q Each of the times that you used the belay stunt	21 good, I will just run it.
22 with Sting, you used two shackles?	22 You gotta remember one thing. A lot of
23 A Started with one. I just decided to put two on	23 people don't have -- don't go into shows like I
24 there.	24 go into them. I go in the show and it's my way
25 Q So when you would run the belay stunt, that	25 or no way. I will do whatever you want, but if
Page 200	Page 201
1 I am going to spend \$5,000 for a part and it's	1 them but I will say this, too. I will say this
2 going to save your life I will do it. If you	2 on behalf of anybody. If I was going to do the
3 don't want to do it then just call somebody	3 stunt and swing to the girl, one, same thing.
4 else to work. I don't care.	4 She is setting 40 feet above the air. That is
5 Q So when you are rigging safety is paramount?	5 too many things going on for him to grab and
6 A That's right. I don't care what it costs.	6 release her. When it is overnight and need it,
7 Q You are going to do it the way you want to do	7 I am going to use two.
8 it?	8 Q We are focusing on a straight descent belay
9 A I need to have the ability to spend money --	9 stunt?
10 when you come up on something on Friday night	10 A Right.
11 you want it in a pay-per-view in California on	11 Q You are going to use two shackles?
12 Sunday if it costs \$20,000 it is going to	12 A I am going to use two if it is a
13 cost -- I can't stop to go there to accounting	13 night-after-night program, yeah, because it
14 on Saturday and find you. I want to -- I used	14 makes me feel good.
15 to run 100,000 on my credit card like crazy.	15 Q Did you ever have any suggestions with Bobby
16 Q If you are going to do a belay stunt with a	16 Talbert about how he rigged the Owen Hart stunt
17 human person being descended you are going to	17 and whether there was any differences between
18 use two shackles?	18 his rigging and your rigging?
19 MR. O'DEAR: I object. The	19 A No, not to my knowledge.
20 testimony is clear that he has done it both	20 Q Did you ever have any --
21 ways.	21 A I was not supposed to talk to anybody because I
22 Q (By Mr. Harris) You can answer.	22 was a defendant. I have already done one of
23 JUDGE GUM: The objection is	23 these. I never had to show up. Somebody
24 overruled. You may answer.	24 called me and drilled my brain for five hours
25 A If I am going to do it I am going to use two of	25 one time and I had already been through this

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1	approximately twenty Lewmar shackles?	1 A They are very similar. I don't know if exactly
2 A	Correct.	2 they were. I know every time I ever saw one of
3 Q	Are you talking about the type that are there	3 these they were so hard to get. You can sell
4	in front of you, the trigger latch shackles?	4 them to other stuntmen and they are worth a
5 A	Yes.	5 fortune because they are just so hard to find.
6 Q	You said those are brand new?	6 Q Shackle of the type you see there, the Lewmar
7 A	Yes, sir.	7 trigger latch shackle, are they still in use in
8 Q	Do you remember when you bought them, how long	8 the stunt business today?
9	you have had them?	9 A Yes.
10 A	I think most of them I got in Boston at that	10 Q You see them often?
11	marina and then the other ones we did a show in	11 A No, because I am not in Hollywood anymore but
12	Fort Lauderdale and the marina had them, so I	12 I'm sure if I was there I would see them.
13	bought probably thirty of them at one time.	13 Q You testified that in your view you only need
14 Q	Do you remember how long ago?	14 one trigger latch shackle in a rigging like
15 A	Way back in the '98, '99, when I was dropping	15 this to do it safely and that Barry Brazel, if
16	Sting all the time. It is hard to get them,	16 he were in charge he would just use one?
17	especially when you throw them away like I do.	17 A Correct.
18	You start going through them.	18 Q Do you know why he would choose just one?
19 Q	You mentioned that you had also bought some	19 MR. HARRIS: Okay. Calls for
20	kind of shackles in Australia and Canada?	20 speculation and conjecture.
21 A	Correct.	21 JUDGE GUM: Overruled. You may
22 Q	Were these quick release shackles too?	22 answer.
23 A	Yes, sir, correct.	23 A Sometimes when you have a lot of things
24 Q	And do you remember from what, who made them?	24 touching each other it's not good to have a lot
25	Are they like these same trigger --	25 of things near it. So I had to get a real big
Page 220		Page 221
1	shackle, and it was hard to find one that would	1 A No. I just wanted to go with two and it
2	hold two of them.	2 actually shut up. Everybody what just saying,
3 Q	(By Mr. Harris) Okay.	3 God, that one little thing holds that man up
4 A	I just felt that the talent I was using and	4 there? You put two on there and no one even
5	myself would feel better having two of them.	5 said a word about it. It just quieted it all
6	As far as safety no. Well, a mountain climber	6 down.
7	wouldn't put two carabiners on. When I repel I	7 Q Did you ever have any issue once Sting would
8	use one of them. You don't need two.	8 release the connection where you were using two
9 Q	Early on originally you have said you started	9 trigger latch shackles where the rope after
10	out with just using one?	10 being belayed down that far would spin and
11 A	Right. I remember when we first started Barry.	11 cause the two trigger latches to kind of
12	We just had one.	12 helicopter out?
13 Q	And you didn't have any particular problem in	13 A No. We had an apparatus at the top that -- no.
14	using one that caused you to use two, I take	14 That was on -- that was when I repelled him.
15	it?	15 No.
16 A	No. It was just Ellis just one day we were up	16 Q I have seen videos. In fact I have got some
17	there and I was just like how about if we just	17 here I will ask you about.
18	have two of them just since, you know, all	18 A You know what makes that do that? That is the
19	these riggers are always watching all this.	19 difference in using the rope the first time and
20	Everybody used to ask me, why do you use just	20 using it over and over.
21	once? I thought, I put two on there and no one	21 Q Okay.
22	ever said anything again. It just stopped	22 A First of all you want to use a rope, believe it
23	anyone asking me, why do you only need one?	23 or not -- it sounds stupid -- several times
24 Q	You didn't do it because you thought using one	24 first because believe it or not they do move.
25	was unsafe?	25 In 200 feet it'll go down eight to nine feet so

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1 heads off.	1 inadvertent release less likely?
2 Q All right. You mentioned that after the Owen 3 Hart accident when you finally got back to 4 doing the Sting drop in stunt using the Lewmar 5 trigger latch shackles, the change you made was 6 that instead of having both release cords tied 7 to a single loop you had them separated so it 8 took two separate pulls to pull the releases.	2 A Yes.
9 Right?	3 Q Okay. But you are just saying that wasn't 4 necessarily your motivation for doing it?
10 A Correct.	5 A Huh-uh.
11 Q Now, is the reason -- well, let me go back. 12 Once you heard about the Owen Hart accident, 13 you at least had knowledge of at least one 14 advertent release of a trigger latch shackle. 15 Correct?	6 Q Okay.
16 A Correct.	7 A I had already been at a show where OSHA was 8 there. I knew they were there. I saw them on 9 the floor. No one ever came upstairs. They 10 never questioned me. When you see somebody do 11 two things, they are not going to follow you 12 around every minute.
17 Q So when you go back to doing the stunt, having 18 knowledge of one inadvertent release, did you 19 switch to having, requiring, two separate 20 pulls, simply as adding another layer of safety 21 to make that a potential inadvertent release 22 even more unlikely?	13 Q Understood.
23 A No.	14 A Be on my nerves when I am trying to work.
24 Q In your view did going to separate lanyards 25 requiring separate pulls in fact make an	15 Q Understood.
26 A No, only because when you do this -- I mean I 27 would love to be the person that came up with 28 all this stuff. I mean, people have been doing 29 stuff like this in Hollywood forever. I just 30 came up with headache taking a piece of 31 Hollywood as me being my own contractor and 32 taking it to WCW. Anybody else could have done 33 it and, you know, made a living at it also. I 34 just happened to think of it.	16 A And it worked.
35 Q I understand.	17 Q Going back again to the investigation, you 36 said, and asking around that you did about the 37 Lewmar trigger latch shackles at various times, 38 did you ever in any of those inquiries with 39 marine officers or sailors ever pick up any 40 information that caused you to believe that it 41 was improper or unsafe for any reason to 42 suspend a human being up in the air with a 43 trigger latch shackle?
Page 244	Page 245
1 A So stunt guys have been using this stuff -- and 2 we have stunt people that live in Marina Del 3 Ray that live on sailboats.	1 A talking.
4 Q I understand.	2 Q (By Mr. O'Dear) I want to know in all your 5 discussions with sailors, all your discussions 6 at marine stores, with AMSPEC, with anybody, 7 whether anybody ever gave you any reason to 8 believe or suspect there was anything improper 9 or unsafe about suspending people in the air 10 with a Lewmar trigger latch shackle.
11 A You talk to somebody that lives on one and 12 plays with one, of course he feels comfortable. 13 You gotta remember we are on these things 14 before the actors ever are, so it is our butt 15 first. You know you are going to have 16 something flawless.	11 Q Okay. In your discussions with sailors, did 12 anybody ever explain to you that sailors from 13 time to time will use one of those trigger 14 latch shackles to attach themselves to a 15 bosun's seat to run up the mast?
17 Q I want to make sure in all of your discussions 18 with sailors or marine --	15 MR. HARRIS: I object to the form. 16 Leading, suggestive and lacks foundation.
19 A To my knowledge I never --	17 Misrepresents the record.
20 Q JUDGE GUM: Please one at a time.	18 JUDGE GUM: Overruled.
21 A The court reporter can't take two people	19 A No.
22 Q (By Mr. O'Dear) Do you even know what a bosun's 23 seat is?	20 Q (By Mr. O'Dear) Do you even know what a bosun's 21 seat is?
24 A Yes. They use them on catamarans.	22 Q Okay. And have you ever seen or heard of 23 sailors needing to go up to the top of these 24 100, 120-foot masts to do different things?

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1 A Uh-huh. They run them off of pulleys.
2 Q And do you know how they get up there?
3 A Uh-huh.
4 Q How?
5 A There is two ways you can do it. Some are
6 counter-balanced and they have a piece hooked
7 on them and it counter-balances off the mast.
8 I have seen one of those. And then they are
9 hooked to -- it's called a mechanical
10 descender. When you pull it down out of the
11 top of the sail it's free.
12 As you go up, it retracts on a gear drive.
13 We use them, too. Then if you fall you can
14 only fall two feet. It stops you. It retracts
15 all the way up and you leave one on the top of
16 the mast. The ones they use are stainless
17 steel. The ones we use are aluminums. I got
18 two of them, 200 footer. That is how we rig
19 all our trusses.
20 By OSHA law now you have to be hooked to
21 one. Sailors are always hooked to something.
22 They don't free climb anymore.
23 Q Did anybody ever explain to you that they
24 sometimes use quick releases to attach
25 themselves to those applications so they can

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1 away. They must have hit the rope. They said
2 he hit the ring rope.
3 You know, there was never any footage. I
4 think somebody said they had, but I'm sure CNN
5 had it because it was a live TV production, but
6 I've never seen it.
7 (The reporter marked Deposition
8 Exhibit No. 2 for identification.)
9 Q (By Mr. O'Dear) I want to show you a videotape,
10 Mr. Edwards. It is basically a composite of
11 various WCW aerials. Again since we can't play
12 it, I will represent to you what's on here.
13 A Okay.
14 Q It's basically a series of Sting descents. I
15 believe the first one was January of '97. The
16 last one on this one being April of '99. And
17 you might just look at those dates. But my
18 question to you simply is, and I think it's
19 clear from your testimony, but to the extent
20 that videotape shows Sting drop-in stunts
21 conducted on those dates, you are the guy that
22 was in charge of rigging every one of them.
23 Correct?
24 A Yes, sir, correct.
25 Q Okay. Now, here is another question I had.

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1 get on and off quickly?
2 MR. HARRIS: Same objections. Go
3 ahead.
4 A Just catamaran guys. When they sit out there
5 and they are hanging way off those things they
6 are hooked to one of those. That way in case
7 the boat goes over they can unhook themselves
8 and swim away from the boat.
9 Q (By Mr. O'Dear) Okay. The house riggers that
10 you said you'd talked to after the Owen Hart
11 accident when you were back in the venue, I
12 assume you mean you were in Kansas City?
13 A Yes, sir.
14 Q Do you remember their names?
15 A No. They were just up there. It was amazing
16 that somebody was up there watching it.
17 Q And both of them have told you they were
18 actually up there when the thing happened?
19 A Yeah. They were up there when --
20 Q Okay.
21 A Because I asked them where did he land. I
22 guess he hit a ring rope because generally
23 surprisingly or not if you had fallen out of
24 there you would have walked away. You would
25 have broken your legs but you would have walked

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1 How many times after the Owen Hart accident did
2 you do the Sting drop-in stunt?
3 A I think we did it three or four times when that
4 new guy came down, Vince Russo.
5 Q Okay.
6 A Brought it back. Him and Eric started back and
7 then Eric was gonna try to bring the NWO back
8 and we did it.
9 Q Eric who?
10 A Bishoff.
11 Q And so it just lasted three or four shows?
12 A Yeah.
13 Q And then it was dropped?
14 A Yeah. We were rigging blood drops and weird
15 stuff like that.
16 Q Was it dropped because of safety concerns or
17 just artistic --
18 A No. I think story line. It got to the point
19 where -- the fun part about it in the beginning
20 is Sting never said a word in a year. He just
21 came down and pointed the damn bat at you.
22 Then when he started talking and he did
23 everything, you know, you know he is going to
24 be there. He walked out every night. So why
25 just waste money me going and rigging him in

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

MARTHA HART, Individually and on)
Behalf of Minors OJE EDWARD HART)
and ATHENA CHRISTINE HART,)
and)
STU and HELEN HART,)
Plaintiffs,)
v.)
WORLD WRESTLING FEDERATION)
ENTERTAINMENT, INC., et al.,)
Defendants and)
Third-Party Plaintiffs,)
v.)
AMSPEC, INC., LEWMAR LIMITED, and)
LEWMAR, INC., formerly known as)
LEWMAR MARINE, INC.,)
Third-Party Defendants.)

PA

Case No. 99CV-210774
Honorable Douglas E. Long, Jr.

FILED
CIRCUIT COURT
JACKSON COUNTY, MO.
2003 SEP -2 PM 4:45
Douglas E. Long, Jr.

LEWMAR'S COUNTER-DESIGNATIONS TO WWE'S DESIGNATIONS
FROM THE DEPOSITION OF ELLIS EDWARDS

COME NOW third party defendants Lewmar, and hereby offers the following counter-designations to WWE's designations from the deposition of Ellis Edwards:

p.22, line 25 through p.23, line 17 ending with "...or not."

p.41, lines 12-23

p.42, lines 7-14

p.49, line 21 through p.51, line 8

p.58, lines 17-25

p.61, line 19 through p.63, line 25

p.90, line 25 through p.93, line 24

p.95, lines 7-15

p.102, line 13 through p.104, line 2

p.107, lines 6-11

p.109, lines 1-19

p.114, line 22 through p.116, line 11

p.117, lines 17-25

p.118, lines 11-22

p.126, line 25 through p.127, line 12 ending with "...it is."

p.129, line 3 through p.130, line 6

p.132, line 19 through p.134, line 7

p.137, line 11 through p.139, line 12

p.143, line 9 through p.144, line 16

p.159, lines 1-25

p.161, lines 7-25

p.165, lines 12-16

p.165, lines 19-23

p.166, line 6 through p.167, line 3

p.185, line 7 through p.186, line 14

p.188, lines 13-20

p.189, line 12 through p.190, line 1

p.200, lines 5-6

p.200, lines 16-18

p.200, line 25 through p.201, line 14

p.213, lines 13-21

p.215, line 15 through p.216, line 19

p.217, line 25 beginning with "...You said..." through p.219, line 5

p.230, lines 11-16

p.232, line 24 through p.233, line 2

p.233, lines 5-6

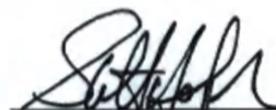
p.234, lines 4-14

p.234, line 20 through p.235, line 19

p.257, lines 3-11

Respectfully submitted,

FOLAND, WICKENS, EISFELDER,
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